

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10	VALUE RENTAL CAR, INC,	}	No. CV 15-2059 JFW (FFMx)
11	Plaintiff,		ORDER SUMMARILY REMANDING
12	v.		ACTION TO STATE COURT
13	KENNARD J. SHILOH,		
14	Defendant.	}	

16 The Court will remand this action to state court summarily because defendant
17 removed it improperly.

18 On March 19, 2015, defendant Kennard J. Shiloh, having suffered a judgement in
19 what appears to be a routine Small Claims Court action in California state court (Los
20 Angeles Superior Court Case No. 13G05350), filed a Notice of Removal of that action to
21 this Court and also presented an application to proceed *in forma pauperis*.

22 The Court has denied the *in forma pauperis* application under separate cover
23 because the Court lacks jurisdiction over the action. To prevent the action from
24 remaining in jurisdictional limbo, the Court issues this Order to remand the action to
25 state court.

26 Simply stated, as the Court has previously determined, plaintiff could not have
27 brought this action in federal court in the first place, in that defendant does not
28 competently allege facts supplying either diversity or federal-question jurisdiction, and

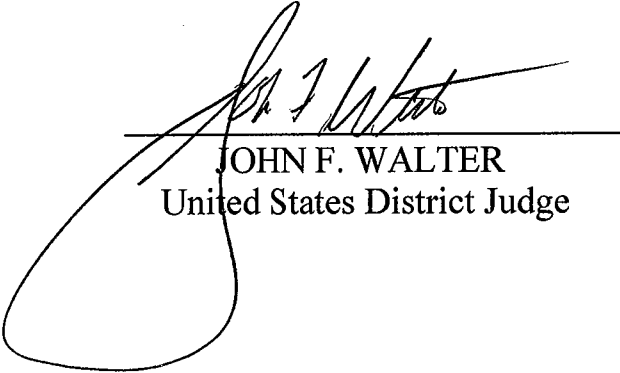
1 therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah*
2 *Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if
3 complete diversity of citizenship existed, the amount in controversy does not exceed the
4 diversity-jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the
5 contrary, the complaint in the action sought only \$3,700.

6 Nor does plaintiff's action raise any federal legal question. *See* 28 U.S.C. §§ 1331,
7 1441(b).


8 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior
9 Court of California, County of Los Angeles, Alhambra Courthouse, 150 West
10 Commonwealth Avenue, Alhambra, California 91801 for lack of subject matter
11 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of
12 this Order to the state court; and (3) that the Clerk serve copies of this Order on the
13 parties.

14 IT IS SO ORDERED.

15 DATED: MAR 31 2015
16


17 JOHN F. WALTER
18 United States District Judge

19 Presented by:

20 
21 /S/ FREDERICK F. MUMM
22 FREDERICK F. MUMM
23 United States Magistrate Judge
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